

REMARKS

Reconsideration and allowance of the Application are respectfully requested.

Applicant's representative extends his appreciation to the Examiner for the courtesies and assistance granted in discussing furtherance of the prosecution and resolving a misunderstanding in the disallowance of one of the claims in the Official Action prior to the current Final Action.

1. The objection to format and marking of cancelled and amended claims has been noted, and the present listing of Claims complies with the Examiner's requests. Accordingly, these informalities have been addressed and satisfied.

2. The requirements of 35 USC Section 103 is again duly noted, and arguments made in prior responses regarding rejections pursuant thereto are maintained.

The factual inquiries set forth in *Graham v. John Deere Co.*, 148 USPQ 449 (1966), and while the Examiner has failed to adequately make findings of fact relative to the scope and content of the prior art, and has failed correctly ascertain the differenced between the prior art and the claims, and has failed establish the level of ordinary skill in the art

3. The rejection of Claim 1 on Darey et al. ((4,258,051 (sic) this should be 4,248,051)) and Kompelien or Kitamura, have been considered; and, while there is reason to challenge the rejection, in the spirit of cooperation to bring the prosecution to a close, amendment to achieve allowability has been made herein.

As previously noted, further expense and protraction of prosecution have been determined to be unacceptable to Applicant.

Allowable Subject Matter

4. The indicated allowability of Claims 3, 5-9, and 13 – 20 if rewritten in independent form to include the limitations of the applicable base Claim and intervening Claim(s) is appreciatively acknowledged.

5. Claims 10 and 11 are objected to as dependent from a rejected base Claim.

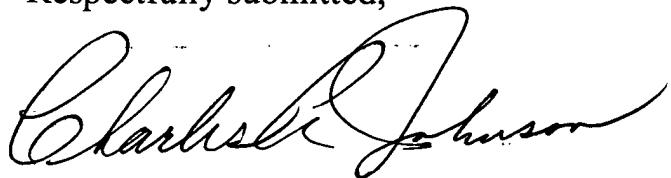
Claim 10, which depended from rejected Claim 1, has been rewritten in independent form to include the limitation of dependent Claim 1. The recitation relative specifically to the thermistor that was included in Claim 1 from the combination with dependent Claim 2 in the prior amendment was omitted in the current Claim 10 because it would constitute a double recitation.

CONCLUSION

Claims 3, 5 – 11, and 13 - 20 remain in the Application, and have been amended in a manner specified by the Examiner to address inclusion of limitations from associated base Claims. Claims 3, 5 – 11, and 13 - 20 are allowable as presently presented and an early notice to that effect is respectfully requested.

Should the Examiner deem it appropriate or expedient to discuss anything further regarding the subject application, the Examiner is invited to contact Applicant's representative by telephone as indicated below.

Respectfully submitted,



Charles A. Johnson
Attorney for Applicant
Registration Number 20,852
1448 90th Avenue
Amery, Wisconsin 54001
(651) 635-7702

CAJ